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# A Legal Review of Public Health and Hygiene: Naga Perspective

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A nation’s prosperity is also measured by the health and well being of the people. As the saying goes “health is wealth”; health, thus, is a vital element in a nation building. We, the Nagas for centuries lived with a primitive health care system and many contemporary diseases were unknown to us. Our ancestors, in ignorance, termed such fatal diseases which caused death to patients as being “eaten by the devil or god of the land or a curse”. The advent of the white people to our land resulted in introducing modern scientific health care. There are instances where people converted to Christianity after being cured of illness by modern health care. Such stories of our ancestors seem to be fanciful when we hear them; however, decades have passed and they have been forgotten.

Hygiene refers to the control of elements in the environment that are dangerous or that pose potential hazards to physical, mental and social health of human beings. Law and legislation respects the privacy of people in their own homes and, hence, do not regulate people’s personal hygiene. However, the law is for common good and, when a person’s activities create problems for the health of others, the law considers it to be an infringement of one’s right to peaceful and healthy living.

The Britishers, being far advanced than the primitive Nagas, felt the impending necessity of health care and public hygiene for the Nagas. Thus, the Bengal Vaccination Act, 1880, the Assam Excluded Areas (Epidemic Diseases) Regulation, 1941, etc., were applied in the Naga country. Orders were also passed by the Deputy Commissioner Naga Hills for preventing diseases by prohibiting eating dead animal meat. By Order No.4 of 1912 dated 3/5/1912 passed by the Deputy Commissioner, Naga Hills, forbade the cutting or eating flesh of any bullock or cow found dead. An offender is penalised with seven days rigorous punishment for first offence and one month for repetition of violation of the said order. The said order also forbade bringing from other villages where disease existed any carcass or flesh under the same penal-

ties. Again, G.S. Lightfoot, Deputy Commissioner, Naga Hills, by Order No.2(a) of 1938 dated 9/8/1938 forbade eating sick animals and a veterinary surgeon’s certificate is to be obtained for eating such animals. J.H. Hutton, Deputy Commissioner, Naga Hills, by Order No.33 of 1929 dated 13/8/1929 also ordered special permission to be obtained from the SDO or DC for importing bulls from the plain areas.

The object of passing such orders was for public hygiene and to maintain a healthy living environment in the Naga villages. Besides forbidding eating sick and dead animals, the British administration was vigilant about importing communicable diseases from the plains. J.H. Hutton by Order No.5 of 1925 dated 13/11/1925 closed the coming and going of Semas living in the villages of the Wokha Henima road for work to the plains from mid-April to mid-November. The Britishers’ administration was thus not only for the maintenance of law and order, but for understanding the importance of law in society for the overall welfare was implausibly beyond our ancestors’ imagination at that time.

After receiving statehood, our legislature has passed a number of Acts to preserve and develop a healthy environment. Such Acts included environmental legislation besides ensuring public hygiene and health. Of all such Acts, the Nagaland Municipal Act, 2001 is crucial for public hygiene. Section 58 lays down certain obligatory functions of the municipal council such as sanitation conservancy and solid waste management, slum improvement and up-grading, provisions for urban amenities and facilities such as parks, gardens and playgrounds, regulation of slaughter houses and tanneries, etc. Sections 201 to 239 and 240 to 291 provide for civic services and drainage and sewerage respectively. The Act provides exhaustive provisions for regulation and maintenance. However, the law remains on paper as the execution of such provisions has seldom been exercised after the Act was enacted.

In my opinion, the blame is on both parties. None of us take permission for digging a new well, tank, pond, cistern or fountain from the municipality under section 219 of the Act. Another example is constructing cesspools, here too, who obtain permission from the municipal officer under section 260(b). If dug such well or pond or constructed a cesspool that violates the Act, does the municipal authority inspect and take actions according to the procedure established by the Act? The municipality is too fragile and weak at implementing the laws. Besides, the legal awareness of the common people is low in our state. Proper execution and implementation of the laws passed by the legislature and the people’s acceptance and obedience could usher an environment that is conducive for healthy living.

The state legislature passed the Health Care Establishments Act, 1997, to regulate private hospitals,

garding endangering the health and life of not only the patients, but the people living in the vicinity of the health institutions. In this regard, the management of bio-medical waste is to be noted. The Bio-Medical Waste (Management and Handling) Rules, 1998, provides detailed procedures to be followed by every institution generating bio-medical waste for handling, disposal, treatment and disposal, segregation, packaging, transportation and storage of bio-medical waste. It is the duty of the municipal authority and pollution control board to enforce such laws. However, it is throbbing to see how the health institutions manage the dumping of bio-medical waste and the enforcement authority sitting idle in their respective chambers. A very common violation of such rules is that one finds only one disposal bin where all waste – domestic kitchen waste of the patient, as well as medical waste are thrown in the same disposal bin. The procedure prescribed for treatment, segregation, packaging, transportation and storage is not followed and the medical waste are just disposed off together with other domestic waste. To follow strictly such procedure laid down by law may seem to be complicated in our state owing to various reasons; however, the enforcement authority and the public in general should understand the consequences. Besides, the health institution’s management being qualified in this field should strictly adhere to such procedures as well as raise the common people’s awareness of these health hazards. At present both the en-

forcement authority and the health institution management neglect adhering to such procedures as prescribed by law.

To live in a clean and healthy environment is a fundamental right enshrined under Article 21 of the Constitution of India, and the Supreme Court of India has upheld the right to healthy environment in number of cases. Increased numbers of diseases in our state is a result of the government’s inability to control the “disease of poverty”. One

would always find some Naga patient hospitalised with fatal diseases when walking into any big hospital in one of India’s metropolitan cities. The number of such patients is increasing at an alarming rate in our state. The state government’s apathy is the chief reason for such rapid increase in fatal diseases. The government’s slack nature to establish and promote health care institutions to study and treat such fatal diseases which are rampantly increasing in our state results in the death of many Nagas who cannot afford to go out of the state for medical treatment. It cannot be denied that our state government is not as wealthy as other states, but the state government’s lack of maintaining public hygiene and promoting health care institutions also cannot be denied.

The increasing population and human activities pose serious issues including public hygiene and health. Awareness of the human activities effecting human health and environment needs to be rigorously emphasised as a policy of the government. Village councils are playing an active role in this regard, however, due to lack of knowledge and training the outcome is unsatisfactory. In towns and cities the municipal authority at present fails to ensure a healthy environment. Maintaining and regulating sanitation discharged from private, as well as government buildings or houses are not supervised in accordance with the plans prepared and established by public departments and laid down by legislature’s Act.

An infinite debate is obvious if allowed to debate on this subject, the government authorities on one side and the public on the other; blaming each other with their respective sturdy points of argument. Laws are enacted to regulate and to protect. Laws establish authorities and machinery to regulate when one violates the law and to protect when one’s right is infringed. Laws are an element of social engineering that helps maintain equilibrium in the society. Thus, the legislature’s endeavour to enact various laws is to bring equilibrium within the society – “a society not only free from inequality, but also a healthy place to dwell.” The enforcement machineries are thus empowered by law to take actions when required. A clement attitude of the authorities may only convolute the system rendering intend of the legislature nugatory.

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## Hygiene And Cleanliness

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Dimapur is the heart of Nagaland although its capital is Kohima. Many people live here following various activities like trade, business and education. However, with increase in population the hygiene and cleanliness of the town is deteriorating.

Nagaland as a whole can be termed as a fast developing state as compared to other lower northeastern regions like

Manipur, Mizoram, etc., due to its connectivity with rest of India through the railways. But some of the worst scenarios of unhygienic practices can be seen in many parts of the town.

The local community has tried their best to maintain cleanliness in and around their colonies by means of social work and individual household maintenance, etc. The government, however, has failed to support these efforts. This is evident from the fact that in and around market places lots of unhygienic conditions prevail. There are no proper drainage systems with concretization of roads and buildings. During the rainy season the condition of the roads becomes worse as they are filled with mud and drainage water. There are no proper sanitary arrangements in the town and disposal of waste on the roadsides have become an everyday habit. In addition to this, hospitals and public places are no exception.

On the one hand the fact cannot be denied that the state government through DMC has started its initiatives.

However, on the other hand the fact that the problem of proper disposal places still remains a reality cannot be ignored. And this calls for government intervention to create more proper disposal places and to reconstruct the already existing ones.

Along with the unavailable facilities the people’s unhygienic behaviour is also responsible for the town’s deteriorating condition. This shows that while Nagaland is among those states with good literacy rate, many people still lack basic hygienic knowledge. But the people cannot be blamed, because it is the sole duty of the government to provide its people with awareness of their ill habits.

Therefore, together with infrastructural development, social development of the people is a must. Because it is only through having sound knowledge and proper education that can change the people mindset and behaviours. For without proper knowledge and education the development process of the place will be lagging behind making the people unable to maintain the infrastructure created for them.

However, it is known that no policy of the government will be sustained without the cooperation of the people. Therefore, it is also the people’s responsibility that are living in this town to voluntarily participate in following hygienic practices, both at state level through various NGOs and at personal level at home. Doing so we would be able to restore the town to its former beauty and live in peace with the environment, because a life lived clean is a life lived long. For as we all know “Cleanliness is next to Godliness”.